

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Jennifer Baker and Jean Greenberg, as
representatives of a class of similarly situated
persons, and on behalf of the Investment-Incentive
Plan for John Hancock Employees,

Plaintiffs,

v.

John Hancock Life Insurance Company (U.S.A.), and
the John Hancock US Benefits Committee,

Defendants.

Case No. 1:20-cv-10397-RGS

**DECLARATION OF JEFF
MITCHELL IN SUPPORT OF
PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

I, Jeff Mitchell, declare and state as follows:

1. I am currently a Project Manager for Analytics Consulting, LLC (hereinafter "Analytics"), located at 18675 Lake Drive East, Chanhassen, Minnesota, 55317. Analytics provides consulting services to the design and administration of class action and mass tort litigation settlements and notice programs. The settlements Analytics has managed over the past twenty-five years range in size from fewer than 100 class members to more than 40 million, including some of the largest and most complex notice and claims administration programs in history.

2. Analytics' clients include corporations, law firms (both plaintiff and defense), the Department of Justice, the Securities and Exchange Commission, and the Federal Trade Commission, which since 1998 has retained Analytics to administer and provide expert advice regarding notice and claims processing in its settlements/distribution of funds.

3. In my capacity as Project Manager, I count among my duties responsibility for matters relating to settlement administration for the above-captioned litigation.

4. Analytics has been engaged in this matter to provide settlement administration services, including (among other things) the mailing of the Court-approved Notices of Settlement and CAFA notice, the establishment and maintenance of a Settlement Website and telephone call

center facility, and the distribution of settlement benefits to Class Members (following final approval).¹

5. The Court approved Analytics as the Settlement Administrator in this matter in its Order Preliminarily Approving Class Action Settlement, Approving Procedure and Form of Notice, and Scheduling Final Approval Hearing (“Preliminary Approval Order”). *ECF No. 67 at* ¶ 7.

CAFA Notice

6. On June 11, 2021, Analytics served CAFA notice to the Attorneys General identified by Defendants as proper recipients, as well as the Acting Attorney General of the United States, pursuant to 28 U.S.C. §1715.

Class Notice

7. On or about June 18, 2021, Analytics received a data file from the Defendants’ counsel that contained a list of Class Member names and addresses.

8. After receiving the class list, Analytics cross-referenced the Class Member addresses with the United States Postal Service National Change of Address database. The class list was then updated with any new addresses that were identified.

9. Pursuant to Paragraph 3.2 of the Settlement Agreement, after updating the relevant addresses, Analytics mailed the Court-approved Notices of Settlement to 14,453 Class Members. A copy of the Notice for Participant Class Members is attached hereto as **Exhibit 1**. A copy of the Notice for Former Participant Class Members is attached hereto as **Exhibit 2**. These Notices were mailed on July 2, 2021, in accordance with the Court’s Preliminary Approval Order, by first-class mail, postage prepaid.

¹ Unless otherwise noted, all capitalized terms referenced herein have the meaning ascribed to them in the Parties’ Settlement Agreement (*ECF No. 64-1*).

10. The Court-approved Former Participant Rollover Form was included with each Notice that was sent to Former Participant Class Members. A copy of the Former Participant Rollover Form that was sent to each Former Participant Class Member is attached hereto as **Exhibit 3**.

Supplemental Settlement Communications

11. Analytics notified counsel for the Parties on or about July 7, 2021 that the Settlement call center had received calls from Participant Class Members who believed they were mistakenly provided with Former Participant Rollover Forms.

12. Further investigation determined, due to a miscommunication between the Plan's recordkeeper and the Settlement Administrator, that: (1) approximately 4,702 Participant Class Members who had left employment at John Hancock received Former Participant Rollover Forms in error; (2) approximately six Former Participant Class Members should have received a Former Participant Rollover Form, but did not initially; and (3) approximately 191 individuals who are not members of the Class received Notices of the Settlement in error.

13. On July 23, 2021, the Parties moved the Court, *see ECF No. 69*, for an order approving supplemental communications to: (1) the Class Members misidentified as Former Participant Class Members; (2) the Class Members misidentified by the Plan's recordkeeper as Participant Class Members and (3) the individuals who were mistakenly identified as Class Members. On July 26, 2021, the Court granted the Parties' motion. *ECF No. 70*.

14. Pursuant to the Court's order, the approved supplemental communications were mailed on July 29, 2021, by first-class mail, postage prepaid. The approved supplemental communications are attached hereto as **Exhibits 4 – 6**.

Effectiveness of Notice Program

15. Through the date of this Declaration, 179 Notices to Class Members were returned to Analytics by the U.S. Postal Service with a forwarding address. In each case, Analytics updated the class list with the forwarding address. Analytics then re-mailed the Notice (and Former Participant Rollover Form, if applicable) to the updated address for Class Members who did not require a supplemental communication. For Class Members that did require a supplemental communication, in lieu of re-mailing the initial Notice, Analytics used the updated addresses for the relevant supplemental communications.

16. Through the date of this Declaration, 374 Notices² were returned to Analytics by the U.S. Postal Service without a forwarding address. In each case, Analytics conducted a skip trace in attempt to ascertain a valid address for the affected Class Member. As a result of these efforts, 217 new addresses were identified for Class Members. Analytics subsequently updated the class list with these new addresses and re-mailed the applicable Notice (and Former Participant Rollover Form, if applicable) or relevant supplemental communication to each of those addresses.

17. In total, out of 14,453 Notices of Settlement, only 157 (~1.09%) were ultimately undeliverable as of this declaration, according to Analytics' records, despite Analytics' efforts to verify address information in advance of mailing and to update address information and re-mail the Notices if they were initially returned.

Settlement Website and Telephone Information Line

18. From July 2, 2021, to the present, Analytics also has maintained a Settlement Website relating to this action, as provided by Paragraph 3.3 of the Settlement Agreement. The

² This number includes the return of accurate initial Notices or supplemental communications for Class Members. Initial Notices sent to Class Members who required a supplemental communication that were returned undeliverable are not included in this number, since these Notices did not require a re-mail attempt.

internet address for this Settlement Website is www.johnhancockerisasettlement.com. Among other things, the Settlement Website includes: (1) a “Frequently Asked Questions” page containing a clear summary of essential case information; (2) a “Home” page and “Important Dates” page, each containing clear notice of applicable deadlines; (3) a “Court Documents” page, which includes case and settlement documents for download (including, among other things, the Settlement Agreement, Notices of Settlement, Former Participant Rollover Form, First Amended Complaint, Plaintiff’s preliminary approval motion papers, the Court’s Preliminary Approval Order, and Plaintiffs’ Motion for Approval of Attorneys’ Fees and Costs, Administrative Expenses, and Class Representative Service Awards and related documents); (4) contact information for Class Counsel and Defendants’ Counsel; and (5) email, phone, and U.S. mail contact information for Analytics.

19. Analytics also created and maintained a toll-free telephone support line as a resource for Class Members seeking information about the Settlement. The toll-free telephone line employs an interactive voice response system (“IVR system”) to answer calls and provides callers the option of speaking with a live operator if they prefer. The toll-free number for the telephone support line is 1-866-360-1054. This telephone number was referenced in the Notices of Settlement and also appears on the Settlement Website.

Absence of Objections

20. As of the date of this Declaration, I am not aware of any objections to the Settlement.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 14, 2021

DocuSigned by:

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Jeff Mitchell